

EXHIBIT 26, PART C

1 allowed but was not paid at that time because there were not
2 sufficient funds then available for payment of all claims.

3 During the year 1971, petitioner endeavored to make payment
4 of said claim but was unable to locate the claimant. His
5 attempts were as follows: (1) Petitioner sent letters to
6 the last known address of said claimant on two occasions
7 sions, using both names referred to above; on both occasions
8 the letter was returned, marked in one case "Moved, not forward-
9 able" and in the second case "Addressee unknown."

10 Petitioner searched the telephone directories in the Los Angeles
11 area for all listings under the name of Paraeo or of Caraeo
12 and phoned them all. None of them was the claimant and none of
13 them was able to give any leads as to any other person who
14 might be the claimant. (3) Petitioner then successively
15 contacted Mrs. Nelson, the former Special Administrator of
16 the within estate, who had supervised matters at the time of
17 decedent's death; Mura Bright, the interior decorator; and Mrs.
18 Murray, who had been decedent's housekeeper. None of them had
19 any information with respect to the claimant or his whereabouts.

20 Petitioner believes, from the indication of Mrs. Murray,
21 that the claimant may have been a Mexican citizen who was in
22 this country only temporarily due to the work involved.

23 Petitioner therefore requests that pursuant to Probate Code
24 § 738, the Court fix the amount owing to Jose Paraeo (or Caraeo)
25 at \$66.00 and direct him to deposit the said sum of \$66.00 with
26 the County Treasurer, Los Angeles, California, who shall give
27 ...

1 a receipt for the same, such sum to be received, accounted
 2 for and disposed of as provided in said § 738.

3
 4 FEES AND COMMISSIONS:

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 6 Petitioner alleges that he is entitled to
 7 ancillary executor's commissions in the sum of \$2,000.00
 8 upon an estate accounted for as shown on Exhibit II hereto
 9 attached. The Special Administrator of the above estate makes
 10 no claim to any share of said statutory fees but, instead,
 11 requests only the extraordinary fees set forth below.

12 Petitioner further alleges that he is entitled to extra-
 13 ordinary executor's commissions in the sum of \$6,000.00 for
 14 services rendered during the period of administration of this
 15 estate, as set forth in Exhibit III, Section A, hereto attached.
 16 In addition, petitioner alleges that Inez C. Nelson, as
 17 Special Administratrix of the above estate, is entitled to
 18 extraordinary commissions in the sum of \$3,500.00, based on
 19 the facts set forth in Exhibit III, Section B, hereto attached,
 20 being the statement of Inez C. Nelson with respect to the
 21 services rendered by her in connection with the above estate,
 22 which involved more than 574 hours of time on her part.

23 Petitioner further declares that the attorneys for the
 24 estate are entitled to statutory attorneys' fees in the sum
 25 of \$2,969.15, based upon an estate accounted for as set forth
 26 in Exhibit II hereto attached. Petitioner's said attorneys
 27 are Gang, Tyre & Brown (formerly Gang, Tyre, Rudin & Brown,
 28

1 The attorney representing Inez C. Melson as Special Adminis-
 2 tratrix is Abraham Marcus. Said attorneys have agreed upon a
 3 division of the statutory fees between them so that Abraham
 4 Marcus will receive 25% and Gang, Tyre & Brown will receive
 5 75% of said statutory attorneys' fees.

6 In addition to the foregoing, petitioner's attorneys,
 7 Gang, Tyre & Brown, have requested extraordinary attorney
 8 fees in the sum of \$12,000.00 for extraordinary services
 9 rendered by them in connection with the above estate during
 10 the period of almost fourteen years during which this estate
 11 has been in the process of administration. A statement of
 12 the services rendered by Gang, Tyre & Brown or their predecessor
 13 in interest, Gang, Tyre, Rudin & Brown, is set forth in Exhibit
 14 XII, Section C, hereto attached.

15 Petitioner believes and therefore alleges that the
 16 extraordinary executor's commissions and attorneys' fees as
 17 prayed for herein are fair and reasonable and should be
 18 allowed.

19 In the event that the fees herein requested and allowed
 20 and expenses incidental to distribution exceed the amount of
 21 cash available in this ancillary administration, the executor
 22 in New York will provide the necessary funds.

23 RECIPIENT

24
 25
 26 Decedent died testate. She left no spouse or issue her
 27 surviving. Her mother, Gladys Eley, also known as Gladys
 28 Baker, and her half-sister, Bernice Miracle, reside outside

SEA1 0165

The State of California. The names and last known addresses
of the beneficiaries designated in decedent's will, so far
as is known to petitioner, are as follows:

<u>Name</u>	<u>Address</u>
Gladys Eley, aka Gladys Baker <i>benefit</i>	c/o Berniece Miracle 330 South West 27th Street Gainesville, Florida
Berniece Miracle	c/o Dixon, Howell, Westmoreland & Norman 924 Westwood Blvd. Los Angeles, Calif. 90024
	c/o James Stuart Wershow, Esq. 212 South East First Street Gainesville, Florida 32601 (Residence: 330 South West 27th St. Gainesville, Florida)
Lee Strassburg	135 Central Park West New York, New York
May Reis	299 West 12th Street New York, New York 10014
Estate of Mrs. Xenia Julia Chekhov (Mrs. Michael Chekhov) <i>benefit</i>	c/o Belcher, Henzie & Biegenzahn 333 So. Hope St., Suite 3650 Los Angeles, Calif. 90017
Norman Rosten	84 Renssen Street Brooklyn, New York 11201
Hedda Rosten	84 Renssen Street Brooklyn, New York 11201
Dr. Mariane Kris	135 Central Park West New York, New York

All of the beneficiaries named in decedent's will
are living except for Mrs. Michael Chekhov, who died in 1970.

...

1 Notice of hearing of the within petition will be given to all
 2 beneficiaries and to the Estate of Mrs. Michael Chekhov. Since
 3 the executor in New York is the same individual as the ancillary
 4 executor in California, no notice will be given to the estate
 5 in New York.

6
 7 DISTRIBUTION:

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 9 Petitioner herein alleges: that, except for fees allowed
 10 herein and expenses incidental to distribution, all obligations
 11 and liabilities of decedent's estate in the State of California
 12 have been determined and paid; that all creditors' claims
 13 filed against decedent's estate have been paid or appropriately
 14 disposed of, except for the claim of Jose Parao, as to which
 15 a request for deposit with the County Clerk will be made as
 16 requested above; and the time for filing creditors' claims has
 17 expired; that all known tax liabilities of decedent's estate
 18 in this jurisdiction have been determined and paid; and that
 19 said estate is now in a position to be finally closed and
 20 distributed.

21 The Last Will and Testament of decedent has been duly
 22 admitted to probate in the Surrogate's Court of the County of
 23 New York, State of New York, where decedent was domiciled at
 24 the time of her death, and Aaron R. Frosch has been duly
 25 appointed as executor by said Court and qualified therein. It
 26 is necessary, in order that decedent's estate in California may
 27 be distributed according to decedent's will, that all of the
 28 assets herein be delivered to Aaron R. Frosch, as executor.

1 of decedent's will under the laws of the State of New York.

2 accordingly, subject to payment of fees allowed
3 herein and expenses of distribution, petitioner herein seeks
4 distribution of all of the assets of decedent's estate lo-
5 cated in the State of California, whether or not described
6 herein or hereafter discovered, and consisting of all
7 is known to petitioner, of the following:

8
9 (1) Clothing and personal effects

10 (2) Balance of furniture and furnishings

11 (3) Balance of cash on hand or in
12 savings accounts

13
14 to Aaron R. Frosch, as executor of decedent's will, appointed
15 by the Surrogate's Court, County of New York, State of New
16 York.

17
18 WHEREFORE, petitioner prays:

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20 1. That the First and Final Account and Report of
21 petitioner herein be settled, allowed and approved,
22 showing a balance of assets on hand of \$26,375.89, of which
23 \$24,788.89 constitutes cash on hand or in savings accounts
24 and the balance consists of assets other than cash at the
25 appraised values thereof.

26 2. That petitioner be directed to deposit the sum
27 of \$66.00, which is hereby fixed as the amount
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1 of the claim of Jose Paraso (or Jose Carareo), with the
 2 County Treasurer of the County of Los Angeles, California,
 3 to be receipted, accounted for and disposed of in the manner
 4 provided in Probate Code § 738.

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 6 3. That there be allowed to petitioner herein
 7 statutory executor's commissions in the sum
 8 of \$2,969.15; that, in addition, there be allowed to said
 9 Aaron R. Prosch extraordinary executor's commissions in
 10 the sum of \$ 6,000.00 , and that, in addition, there
 11 be allowed, as extraordinary commissions, to Inez C. Nelson
 12 for her services as Special Administratrix the sum of
 13 \$3,500.00.

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 15 4. That there be allowed to petitioner's attorneys,
 16 Gang, Tyre & Brown, and the attorneys for the
 17 Special Administrator, Abraham Marcus, the sum of \$2,969.15
 18 statutory legal fees, allocated \$2,226.86 to Gang, Tyre &
 19 Brown and \$742.29 to Abraham Marcus; that, in addition,
 20 there be allowed to Gang, Tyre & Brown extraordinary legal
 21 fees in the sum of \$12,000.00.

22
 23 5. That, after payment of fees and commissions
 24 allowed herein and expenses incidental to
 25 distribution, all of the balance of decedent's estate in
 26 California, whether or not described herein or hereafter

1 discovered, and consisting, so far as is known, of the assets
2 set forth under the section above captioned "DISTRIBUTION,"
3 be delivered to Aaron R. Frosch, the domiciliary executor of
4 decedent's will appointed by the Surrogate's Court of the
5 County of New York, State of New York; and

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7 6. For such other and further order as to the Court
8 may appear proper.

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DATED: April 29, 1976.

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Aaron R. Frosch
Aaron R. Frosch
Ancillary Executor

Petitioner

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by Harmon R. Brown
Attorneys for Ancillary Executor

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